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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 000543woMekk	FOR FURTHER ACTION: See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/01853	International filing date (day/month/year) 03 March 2000 (03.03.00)	Priority date (day/month/year) 04 March 1999 (04.03.99)
International Patent Classification (IPC) or national classification and IPC C12N 15/56, 9/14, 9/16, 9/24		
Applicant HARTMANN, Marcus		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.	
<input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).	
These annexes consist of a total of <u>2</u> sheets.	
3. This report contains indications relating to the following items:	
I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 12 August 2000 (12.08.00)	Date of completion of this report 25 June 2001 (25.06.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/01853

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-9 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____ 1-9 _____, filed with the letter of 12 March 2001 (12.03.2001)
- ☒ the drawings:
 pages _____ 1,2 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____ 1-6 _____, filed with the letter of 16 May 2000 (16.05.2000)

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☒ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations

D1: A. TIEDTKE: "Purification and properties of secreted N acetyl-beta-D Hexosaminidase EC-3.2.1.52 of Tetrahymena-thermophila" COMP. BIOCHEM. PHYSIOL. B COMP. BIOCHEM., Vol. 75B, No. 2, 1983, pages 239-244, XP000876572 PERGAMON, NEW YORK, US

D2: P. HÜNSELER ET AL.: "Biosynthesis of secreted beta-hexosaminidase in Tetrahymena thermophila. A comparison of the wild type with a secretory mutant" BIOCHEM. J., Vol. 252, No. 3, June 1988 (1988-06), pages 837-842, XP000876565 THE BIOCHEM. SOCIETY, LONDON, UK

Claims 1-9 are not inventive. As soon as a protein is known and has been isolated in purified form - see D1 and D2 - it is possible for a person skilled in the art to identify the nucleic acid which codes therefor and to also elucidate the N-terminal fragment of a known protein on the basis of routine measures. The use of this nucleic acid and the peptide derived therefrom is therefore likewise obvious.

Moreover, it is also known that the protein is initially produced as a precursor; see D2, page 841, right-hand column, second paragraph.

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It is even clear from the description of the application that only standard processes have been used in order to elucidate the coding sequence; see page 8, second paragraph.